16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7

685 duration of this bond, whether for certain time or for life, is not stated. If any one changed the limits (lines) of the individual lots ("talmilpa"), or of the official tracts, he lost his life. His offence was not so much against the occupant as against the kin, who had fixed the destination of each particular plot of land, and determined its boundaries.[135] It is also mentioned that "he 686 who squandered the property of minors left to his care" suffered death for it. The case could only be that of an oldest son, or of a father's brother, in whose care the "tialmilli" improved by the deceased was left, to be improved for the benefit of the latter's children. If now this warden failed to have that lot tilled for two years, it became lost to his wards, who were thereby left without means of subsistence. There was no restitution possible, therefore the negligent administrator paid with his life for the neglect.[136]

685 In general, we discern the ruling principle: that for theft there were but two ways of atonement. One consisted in the return of the stolen property, and if that was no longer possible, then the person of the thief had to suffer for it. Wherever no bodily labor could replace the value of the loss (as in the last case mentioned) the life of the criminal became forfeited to the kin, since the sufferers looked to that cluster for redress.[137] This carries us

pretended by its owner or at least occupant. This story shows, that no chief was exempt from punishment even for slight misdemeanors.

I refer to *Torquemada* (Lib. XIV, cap. XXI, p. 564), *Villancurt* ("*Teatro*," Vol. I, p. 433), *Bustamante* ("*Tezcoco*," p. 197) for the assertion that the *kin* of the thief assisted him in discharging the penalty for his crime. The former says: "y si no tenia de que pagar, una, y dos vezes, los parientes se juntaban, y repartian entre si el valor del hurto, y pagaban por el. dias, y doce mantas, y desde arriba: si es de creer, que hacian Esclavo por quarenta, ni cincuenta mazorcas de maiz, ni por otra cosa de mas precio, si él tenia de que pagar, ó los Parientes." On this important point — the *solidarity of the kindred* in the case of the crime of one of their number, see, further on, note 137.

[135] To the authorities so frequently quoted on other subjects, I will add here *Ixtlilxochitl* ("*Relaciones históricas*," Vol. IX, Lord Kingsborough, p. 367).

[136] *Torquemada* (Lib. XII, cap. VII, p. 388) calls this an "extravagant law." Further quotations useless.

[137] It is stated by *A. de Villancurt* ("*Teatro Mexicano*," Vol. I, p. 433): "En los hurtos era ley general que siendo cosa de valor tenian pena de muerte; y si la parte se convenia, pagaba en mantas la cantidad al dueño, y otra mas para el fisco real; á esto acudian los parientes." This "obligation to help" on the part of the kin we have already met with in the case of marriage, where the kin assisted the newly married couple. (See *Burtin*, "*Rapport*," p. 132): "Si le jeune homme était pauvre, la communauté où il avait été élevé l'aidait." We find it subsisting after the conquest, as when an Indian died, leaving debts, his kinship paid them for his estate (which in most cases was insolvent), or "worked it out for him." This is asserted as follows by *Fray Augustin Davila Padilla* ("*Historia de la Fundacion y Discurso de la Provincia de*